

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

05	UNITED STATES OF AMERICA,	)	CASE NO. CR08-159-MJP
		)	
06	Plaintiff,	)	
		)	
07	v.	)	DETENTION ORDER
		)	
08	JAVIER GASTELUM-INZUNZA,	)	
		)	
09	Defendant.	)	
		)	

11 Offense charged: Conspiracy to Distribute Cocaine and Methamphetamine

12 Date of Detention Hearing: May 13, 2008

13 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
14 based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
15 that no condition or combination of conditions which defendant can meet will reasonably assure  
16 the appearance of defendant as required and the safety of other persons and the community.

17 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

18 1. Defendant has been charged with a drug offense the maximum penalty of which  
19 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both  
20 dangerousness and flight risk, under 18 U.S.C. §3142(e).

21 2. Defendant does not contest detention.

22 3. The United States alleges that the defendant's presence in the United States is

01 illegal although an immigration detainer has not yet been lodged.

02 4. Taken as a whole, the record does not effectively rebut the presumption that no  
03 condition or combination of conditions will reasonably assure the appearance of the defendant as  
04 required and the safety of the community.

05 It is therefore ORDERED:

06 (1) Defendant shall be detained pending trial and committed to the custody of the  
07 Attorney General for confinement in a correction facility separate, to the extent  
08 practicable, from persons awaiting or serving sentences or being held in custody  
09 pending appeal;

10 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
11 counsel;

12 (3) On order of a court of the United States or on request of an attorney for the  
13 Government, the person in charge of the corrections facility in which defendant is  
14 confined shall deliver the defendant to a United States Marshal for the purpose of  
15 an appearance in connection with a court proceeding; and

16 (4) The clerk shall direct copies of this Order to counsel for the United States, to  
17 counsel for the defendant, to the United States Marshal, and to the United States  
18 Pretrial Services Officer.

19 DATED this 13th day of May, 2008.

20   
21 Mary Alice Theiler  
22 United States Magistrate Judge